

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LM GENERAL INSURANCE CO.	:	Case No. 2:19-CV-02144-KSM
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SHARON LEBRUN AND ED LEBRUN	:	
	:	
Defendants.	:	

**PLAINTIFF/COUNTERCLAIM DEFENDANT’S MOTION
TO CERTIFY THE COURT’S JULY 1, 2020 MEMORANDUM AND ORDER
REGARDING PLAINTIFF/COUNTERCLAIM DEFENDANT’S MOTION TO
DISMISS FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b)
AND TO STAY DISCOVERY AND OTHER PRETRIAL PROCEEDINGS**

Plaintiff/Counterclaim Defendant LM General Insurance Company (“LM”) hereby moves for certification of the Court’s July 1, 2020 Memorandum and Order (ECF Nos. 35 and 36) regarding LM’s motion to dismiss for interlocutory appeal pursuant to 28 U.S.C. § 1292(b), and accordingly asks the Court to amend the Memorandum and Order to include the following language, consistent with § 1292(b):

This Order involves controlling questions of law regarding the enforceability of the “household vehicle exclusion” in the insurance policy issued by Plaintiff/Counterclaim Defendant as to which there are substantial grounds for differences of opinion and an immediate appeal from the Order may materially advance the ultimate termination of this litigation. The following controlling questions of law are hereby certified to the United States Court of Appeals for the Third Circuit: (1) whether an underinsured motorist insurance coverage stacking waiver signed by an insured remains enforceable when the insured later adds a newly acquired vehicle to a policy that contains a “continuous” newly acquired vehicle provision, notwithstanding that the insurer issued updated declarations; and (2) whether a “household vehicle exclusion” is enforceable as a matter of law when the named insured signed the statutorily-mandated stacking waiver form because that form waives both inter- and intra-policy stacking.

In addition, LM moves for a stay of discovery and other pretrial proceedings.

Respectfully Submitted,

Dated: July 22, 2020

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